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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,066	09/11/2000	Yoshikazu Hirayama	1420/49237	4076

7590 10/04/2004

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT

PAPER NUMBER

2655

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/659,066	HIRAYAMA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Michael N. Opsasnick	2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 2/9/2004 (received on 9/8/2004).
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/6/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (6184823) in view of Levin (6173279).

As per claims 1,9-11, Smith et al (6184823) teaches a voice recognition navigation apparatus (col. 5 lines 49-53) comprising:

A voice reference apparatus (col. 6 lines 10-21);

A map information storage device that stores map information (col. 6 lines 22-32);

“a control device....said map information” as route guidance based on speech input (col. 6 line 64 – col. 7 line 9);

“said voice reference apparatus....classifies a plurality of search targets....division blocks.....specifying a search target....made by voice....a first

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storage device....division blocks....a second storage device.....specific relationship.....recognition data selection device....vision block has been specified" as geographic database responding to a location request, breaking the information into nodes and routes, points of interest and likewise subsets (col. 9 line 8 – col. 11 line 45; Figs. 1-6; and wherein the division blocks contain the plurality of search targets -- > as each category having a self containing sublayer -- Fig. 6);

"a voice recognition processing device.....specified by voice" as output data, derived from speech input, given back to user as speech (Fig. 1, subblock 31).

Smith et al (6184823) does not explicitly teach a plurality of search targets belonging to a single category categorized according to attributes of search targets, however, Levin (6173279) teaches categorizing the database details according to attribute (col. 8 lines 10-20). Therefore, it would have been obvious to one of ordinary skill in the art of database structures to modify the teachings of Smith et al (6184823) with attribute based categories in a database because it would further reduce the number of items in a category, and therefore not overwhelm the user with too many selections (Levin (6173279), col. 8 lines 4-24).

As per claims 2-7, Smith et al (6184823) teaches the claimed subdivision of data (col. 9, lines 14-40, and associated figures).

As per claim 8, Smith et al (6184823) teaches a display showing the results of the search, and the target location (Fig. 1, subblock 27).

As per claims 12-15, the combination of Smith et al (6184823) in view of Levin (6173279) teaches multiple geographic areas (Smith - Figs. 3,7,col. 7 lines 1-27 – plurality of nodes) and point of interest data (col. 7 lines 40-47).

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments pertaining to the newly amended claim language 'in only one of which each of the plurality of search targets is included' is addressed above by the referral to the Smith reference, in particular, Fig. 5. Examiner notes that the scope of the currently amended claim language is met by the Smith reference, however, the arguments presented by the applicant refer to a data structure that is narrower in scope compared to the amended claim language.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the related art listed on the PTO-892 form.

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**5. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or  
"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

**6.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno

9/22/2004



SUSAN MCFADDEN  
PRIMARY EXAMINER